CONCERNING
PROCUREMENT, DISTRIBUTION AND CONTROL OF HAZARDOUS MATERIALS
BY THE GRACE OF GOD THE ALMIGHTY

THE MINISTER OF TRADE REPUBLIC OF INDONESIA,

Considering:
a. Whereas, the procurement, distribution and use of hazardous materials is continuously increasing, either their types or amount, and that they are easy to be obtained in the market;
b. Whereas, due to the condition as meant in letter a, the misuse of their allocation is easy to occur, which may cause disruption toward the health, security and safety of human beings, animals, plants and environment;
c. Whereas in the efforts to enhance the prevention toward the misuse of hazardous materials, it is necessary to re-regulate the policies related to the aspects of procurement, distribution, sales and control of hazardous materials originating from domestic and imported sources;
d. whereas based on the considerations as meant in letter a, letter b, and letter g, it is necessary to stipulate the Regulation of the Minister of Trade.

In view of:
1. Bedrijfsreglementerings Ordonnantie (Company Regulation Law) of 1934 (State Gazette of 1938 Number 86);
2. Ordonnantie (Law) of Hazardous Chemicals (State Gazette of 1949 Number 377);
3. Emergency Law Number 7 of 1955 concerning the Investigation, Taking of Legal Actions and Judicial Administration of Economic Crime (State Gazette of the Republic of Indonesia Number 801), as has been several times amended and latest with Law Number 17 of 1964;
4. Law Number 1 of 1970 concerning Work Safety (State Gazette of 1970 Number 1, Supplement to the State Gazette Number 2918);
5. Law Number 3 of 1982 concerning compulsory Registration of Companies (State Gazette of 1982 Number 7, Supplement to the State Gazette Number 3214);
6. Law Number 21 of 1992 concerning Shipping (State Gazette of the Republic of Indonesia of 1992 Number 98, Supplement to the State Gazette of the Republic of Indonesia Number 3495);
7. Law Number 23 of 1992 concerning Health (State Gazette of the Republic of Indonesia of 1992 Number 100, Supplement to the State Gazette of the Republic of Indonesia Number 3495);
8. Law Number 7 of 1994 concerning Ratification of the Agreement on Establishing The World Trade Organization (State Gazette Number 3564);
9. Law Number 10 of 1995 concerning Customs (State Gazette of the Republic of Indonesia of 1995 Number 75, Supplement to the State Gazette Number 3612) as has been amended with Law Number 17 of 2006 (State Gazette of 2006 Number 93, Supplement to the State Gazette Number 4661);
10. Law Number 7 of 1996 concerning Food (State Gazette of the Republic of Indonesia of 1996 Number 09, Supplement to the State Gazette of the Republic of Indonesia Number 3656);
11. Law Number 23 of 1998 concerning Environment Processing (State Gazette of the Republic of Indonesia of 1997 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 3699);
12. Law Number 6 of 1998 concerning Ratification of the Convention On The Prohibition Of The Development, Production, Stockpiling And Use Of Chemical Weapons And On Their Destruction (State Gazette of the Republic of Indonesia of 1998 Number 171);
13. Law Number 8 of 1999 concerning Prohibition of Unhealthy Business Monopoly and Competition Practice (State Gazette of the Republic of Indonesia of 1999 Number 33, Supplement to the State Gazette of the Republic of Indonesia Number 3817);
14. Law Number 8 of 1999 concerning Consumer Protection State Gazette of the Republic of Indonesia of 1999 Number 42, Supplement to the State Gazette of the Republic of Indonesia Number 3821);
15. Law Number 32 of 2004 concerning Local Government (State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 4437) as has been amended several times, latest with Law Number 12 of 2008 (State Gazette of the Republic of Indonesia Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 4844);
16. Law Number 29 of 2007 concerning Provincial Government of Jakarta Capital Special Region of the Unitary State of the Republic of Indonesia (State Gazette of the Republic of Indonesia of 2007 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4744);
17. Government Regulation Number 69 of 1999 concerning Food Label and Advertisement (State Gazette of the Republic of Indonesia of 1999 Number 131, Supplement to the State Gazette of the Republic of Indonesia Number
18. Government Regulation Number 58 of 2001 concerning Guidance and Control on Consumer Protection (State Gazette of the Republic of Indonesia of 2001 Number 103, Supplement to the State Gazette of the Republic of Indonesia Number 4126);
19. Government Regulation Number 74 of 2001 concerning Management of Hazardous and Toxic Materials (State Gazette of the Republic of Indonesia of 2001 Number 138, Supplement to the State Gazette of the Republic of Indonesia Number 4153);
20. Government Regulation Number 28 of 2004 concerning Food Security, Quality and Nutrition (State Gazette of the Republic of Indonesia of 2004 Number 107, Supplement to the State Gazette of the Republic of Indonesia Number 4424);
21. Government Regulation Number 38 of 2007 concerning Allocation of Administration Affairs Among the Government, Provincial Government and Regency/City Government (State Gazette of the Republic of Indonesia of 2007 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 4737);
22. President Decree of the Republic of Indonesia Number 260 of 1967 concerning the ratification of the Tasks and Responsibilities of the Minister of Trade in the Foreign Trade Sector.
24. President Decree Number 187/M of 2004 concerning Formation of the United Indonesia Cabinet, as amended several times lastly by the Presidential Decree Number 171/M of 2005;
25. President Regulation Number 9 of 2005 concerning Status, Tasks, Functions, Organization Structure and Working Method of the State Ministries of the Republic of Indonesia as amended several times lastly by the Presidential Regulation Number 20 of 2008;
26. President Regulation Number 10 of 2005 concerning Organization Unit and Tasks of Echelon 1 of the State Ministries of the Republic of Indonesia, as amended several times lastly with the Presidential Regulation Number 50 of 2008;
27. Decree of the Minister of Industry Number 148/M/SK/4/1985 concerning Securing of Toxic and Hazardous Materials at the Industrial Companies;
28. Minister Regulation of Health Number 239/Menkes/Per/V/1985 concerning Certain Color Substances that are Declared as hazardous Materials;
29. Minister Decree of Industry and Trade Number 229/MPP/Kep/7/1997 Concerning General Provisions in the Import Sector;
30. Minister Decree of Manpower Number 187/MEN/1999 concerning Hazardous Chemicals Court at the Work Place;
32. Minister Decree of Industry and Trade Number 230/MPP/Kep/7/1997...
concerning Goods which Import Commercial Structure is Regulated as amended several times lastly by the Decree of the Minister of Industry and Trade Number 471/MPP/Kep/6/2003;
35. Minister Regulation of Health Number 1184/Menkes/Per/X/2004 concerning Securing of Health Equipments and Introduction of Domestic Health;
36. Minister Regulation of Trade Number 01/M-DAG/PER/3/2005 concerning Organization and Working Method of the Ministry of Trade as amended several times lastly by the Regulation of the Minister of Trade Number 24/M-DAG/PER/6/2009;
37. Minister Regulation of Trade Number 16/M-DAG/PER/3/2006 concerning Warehouse Structuring and Supervision;
38. Minister Regulation of Trade Number 31/M-DAG/PER/7/2007 concerning Importer Identification Number (API);
39. Minister Regulation of Trade Number 36/M-DAG/PER/9/2007 concerning Issuance of the Trade License;
40. Minister Regulation of Trade Number 20/M-DAG/PER/5/2009 concerning Provisions and Method of Control on Goods and/or Services.

DECIDES:

1. To enact: REGULATION OF MINISTER OF TRADE CONCERNING THE PROCUREMENT, DISTRIBUTION AND CONTROL ON HAZARDOUS MATERIALS.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Regulation of the Minister, the following definition shall apply:
1. Hazardous Materials, hereinafter abbreviated B2, are means the substances, chemicals and biological substances, either in single or mixed form, which may endanger health and the environment, directly or indirectly, that are toxic, carcinogenic, teratogenic, mutagenic, corrosive and irritation.
2. Company means each form of individual business or business organization owned by the Indonesian Citizen and its domiciled within the territory of the Republic of Indonesia, either in form of legal corporate or non-legal corporate, which carries out the B2 trade business activities.
4. Producer Importer of Hazardous Materials, hereinafter abbreviated IP-B2, means the Producer Importer recognized by the Directorate General of Foreign Trade and is approved to self import,
which is only allocated to fulfill the production process need of the concerned company.

5. Registered Importer of Hazardous Materials, hereinafter abbreviated IT-B2, means the non Producer Importer, owner of the General Importer Identification Number (API-U), which obtains the approval and special assignment from the Directorate General of Foreign Trade to import B2.

6. Registered Hazardous Material Distributor, hereinafter abbreviated DT-B2, means the company appointed by P-B2 and/or IT-B2 and has obtained the special trade business license from the Directorate General of PDN to distribute B2 to PT-B2 or directly to PA-B2.

7. Company Branch Office means the company that is a unit or division of its parent company, which may be domiciled at a different location and may be independent or is assigned to implement part of the assignments of its parent company.

8. Registered Retailer of Hazardous Materials, hereinafter abbreviated PT-B2, means the company appointed by DT-B2 and has obtained the special trade business license for B2 from the Governor, in this case Head of the Provincial Government Service, to sell B2 to PA-B2.

9. End User of Hazardous materials, hereinafter abbreviated PA-B2, means the industrial company that uses B2 as the standard/supporting material, which is physics chemically processed, causing the change of the physics and chemical characteristics and obtains the added value, and the business company or institution that uses B2 as supporting material according to its allocation and has obtained the license from the authorized government agency.

23. Minister means the Minister whose duties and responsibilities are in the trade sector.

CHAPTER II
TYPES OF HAZARDOUS MATERIALS

Article 2

(1) The import trade of the B2 type is regulated and its distribution consists of chemical materials that endanger health and damage the environment conservation, as contained in Appendix I and Appendix II of this Regulation of the Minister.

(2) The B2 type, as meant in paragraph (1), may only be reviewed according to the development.

(3) The B2 type, as meant in paragraph (1), may only be used or utilized according to its allocation.

(4) The B2 type, as meant in paragraph (1), is prohibited to be used and utilized for food, cosmetics and industry related to food.

CHAPTER III
PROCUREMENT OF IMPORT

Article 3

(1) The P-B2 that will import B2, as meant in Article 2 paragraph (1), should obtain the recognition as IP-B2 from the Minister, in this case the Director General of Foreign Trade.

(2) The P-B2 that proposes the request for recognition as IP-B2, as meant in paragraph (1), should submit a written request to the Minister, in this case the Director General of Foreign Trade, attaching the following documents:
   a. Photocopy of the Industrial Business License / Industrial Registration Number or other business licenses from the Technical Government Agency;
   b. Photocopy of the Producer Importer Identification Number (API-P);
   c. Photocopy of the Company Registration (TDP);
d. Photocopy of Taxpayer Registration Number (NPWP);
e. Photocopy of Customs Identity Number (NIK);
f. Recommendation from authorized officials in the industrial sector, for the non-pharmacy industry; and
g. Recommendation from the authorized officials in the sector of food and drugs control for the pharmacy, cosmetic, food and food packing industry.

(3) Based on the written request, as meant in paragraph (2), the Director General of Foreign Trade, on behalf of the Minister, issues the recognition as IP-B2 within not later than 5 (five) working days as of the date of completely and correctly receiving the request.

(4) B2 that is imported by IP-B2 is only for the need of the production process and its prohibited to be sold or traded or transferred to another party.

Article 4

(1) The company that is determined as IT-B2 for the B2 type, as meant in Article 2 paragraph (1), is an Indonesian Trade Limited Liability Company (Holding).

(2) Each implementation of B2 import by the company, as meant in paragraph (1), should obtain the import approval from the Director General of Foreign Trade after obtaining the recommendation from the authorized official in the sector of:
   a. Drugs and food control for the pharmacy, cosmetic, food and food packing industry; or
   b. Industry for the non-pharmacy industry.

Article 5

The recognition as IP-B2 or determination as IT-B2 is applicable for 1 (one) year effective as of the issuance date of the IP-B2 recognition or IT-B2 determination and may be extended.

CHAPTER VI
DISTRIBUTION OF HAZARDOUS MATERIALS

Article 6

The transportation of B2 from the destination port to the IP-B2 or IT-B2 warehouse should comply with the procedures and provisions of the relevant government agency and equipped with the Emergency Transport Guide.

Article 7


(2) In distributing B2, as meant in paragraph (1), the P-B2, IT-B2, IP-B2, DT-B2, and PT-B2 are required to comply with the following provisions:
   a. IP-B2 distributes B2 only for the need of the production process of the concerned company;
   b. IT-B2 distributes B2 to DT-B2, PT-B2 and/or PA-B2;
   c. P-B2 may distribute B2 to DT-B2, PT-B2 and/or PA-B2;
   d. DT-B2 may distribute B2 to PT-B2 and/or PA-B2;
   e. PT-B2 may only distribute B2 to PA-B2.
(3) IT-B2 or DT-B2 may distribute B2 by their Company Branch Offices.

Article 8

(1) The distribution of B2 by P-B2, IT-B2, DT-B2 should be completed with the LDK/SDS as contained in Annex III of this Regulation of the Minister.

(2) The B2, which is distributed as meant in paragraph (1), should be packed by using the packing in accordance with the provisions of the legislative regulations and requirements of the International Maritime Dangerous Goods Code (IMDG Code/United Nation Standard).

(3) The packing, as meant in paragraph (2), should be affixed with the label that contains the name[type of B2, name and address of P-B2 or IT-B2 that makes the repacking, net weight/volume, allocation, pictogram/symbol of hazard, signal word, and statement of hazard that refers to the general guiding, as contained in Annex III of this Regulation of the Minister.

Article 9

(1) The B2 type, as meant in Article 2 paragraph (1) of Appendix II of this Regulation of the Minister, is distributed by using the packing with the minimum size as contained in such Appendix.

(2) The B2 type, as meant in paragraph (1), which is repacked, should comply with the requirements as meant in Article 8 paragraph (2).

(3) The repacking, as meant in paragraph (2), may only be carried out by IT-B2 for the imported B2 type and by DT-B2 for the domestic produced B2 type and/or imported product.

CHAPTER V
LICENSING

Article 10

(1) The authority to issue the SIUP-B2 is at the Minister.

(2) The Minister delegates the authority to issue the SIUP-B2, as meant in paragraph (1), to:
   a. Director General of PDN for SIUP-B2 for DT-B2;
   b. Governor, in this case the Head of the Provincial Government Service for SIUP-B2 for PT-B2

(3) The SIUP-B2 is applicable for 3 (three) years and may be extended before the expiration of the validity term.

(4) The original of SIUP-B2, which is issued by the Directorate General of PDN, as meant in paragraph (2) letter a, is submitted to the company and its copies are submitted to the Head of the Provincial Government Service and Head of the local Regency/City Government Service.

(5) The original of SIUP-B2, which is issued by the Head of the Provincial Government Service, as meant in paragraph (2) letter b, is submitted to the company and its copies are submitted to the Director General of PDN and Head of the local Regency/City Government Service.

Article 11
(1) The request to obtain SIUP-B2 for DT-B2 uses the form as contained in Annex V of this Regulation of the Minister and is submitted to the Director General of PDN with the following requirements:

a. The company is in form of Limited Liability Company, Limited Partnership or Business Firm.

b. Complies with the general requirements to conduct trade, namely in possession of SIUP, TDP, SITU/Disturbance Permit (HO), and NPWP;

c. In possession of the appointment letter from P-B2, IT-B2 or the combination of both;

d. In possession of Emergency Response System equipments and Experts in the sector of B2 Management, and

e. In possession of and/or controlling the B2 distribution means in form of storage location, repacking facilities, and transportation means that comply with security, safety, health and environment conditions, proven by the Minutes of Physical Inspection by the local Provincial Inspection Team.

(2) The request to obtain the SIUP-B2 for PT-B2 uses the form as contained in Appendix V of this Regulation of the Minister and is submitted to the Head of the Provincial Government Service, with the following requirements:

a. Company is in form of business corporate;

b. Complies with the general requirements to carry out trade, such as SIUP, TDP, SITU/Disturbance License (HO), and NPWP;

c. In possession of storage facilities that comply with the security, safety, health and environmental conditions, proven by the Minutes of Physical Inspection carried out by the local Regency/City Inspection Team, and


(3) In case the requests to obtain the SIUP-B2 for DT-B2, as meant in paragraph (1) and SIUP-B2 for PT-B2, as meant in paragraph (2) have complied with stipulations, then Directorate General of PDN issues the SIUP-B2 for DT-B2 and the Head of the Provincial Government Service issues the SIUP-B2 for DT-B2 within not later than 5 (five) working days after receiving the complete and correct requests by using the format as contained in Appendix VI of this Regulation of the Minister.

(4) The distribution means Inspection Team, as meant in paragraph (1) letter e is established by the Governor, consisting of the provincial service elements whose tasks and responsibilities are in the sectors of health, industry, trade, manpower, agriculture, drugs and food control, environment, and/or experts as well as other technical government services in accordance with the need.

(5) The storage facilities Inspection Team, as meant in paragraph (2) letter c, is established by the Head of the local Regency/Mayor, consisting of elements from the regency/city government service whose tasks and responsibilities are in the sectors of health, industry, trade, manpower, agriculture, drugs and food control, and/or experts as well as other technical government services in accordance with the need.
(6) In performing its tasks, the Provincial Inspection Team or Regency/City Inspection Team, as meant in paragraph (4) and paragraph (5), may coordinate with the Directorate General of Domestic Trade (PDN).

**Article 12**

(1) The Company Branch Office, as meant in Article 7 paragraph (3), if its head office has the:
   a. The determination as IT-B2, may distribute B2 to DT-B2, PT-B2 and PA-B2; or
   b. SIUP B2 as DT-B2, then it may distribute B2 to PT-B2 and PA-B2.

2) The Company Branch Office, as meant in paragraph (1), if it does not distribute B2, then it may function as retailer in distributing B2 to PA-B2, with the obligation of possessing the SIUP-B2 as PT-B2.

(3) In distributing B2, the Company Branch Office, as meant in paragraph (1), should comply with the following requirements:
   a. In possession of TDP, SITU/Disturbance Permit (HO), and NPWP;
   b. In possession of the Emergency Response System and Experts in the sector of B2 Management; and
   c. In possession of and/or controlling the B2 distribution means storage, repacking facilities and transportation means that comply with conditions of security, safety, health, and environment, which is proven with the Minutes of Physical Inspection by the local Provincial Inspection Team.

(4) The Company Branch Office, which has complied with the requirements, as meant in paragraph (3), notifies the determination of IT-B2 or SIUP-B2 as DT-B2 of its head office in writing to the Head of the local Provincial Government Service.

(5) The Head of the Government Service, as meant in paragraph (4), affixes his signature and seal at the front page of the photocopy of the determination of IT-B2 or SIUP-B2 as DT-B2 of its head office within not later than 3 (three) working days after receiving the notification and requirements documents completely and correctly.

**CHAPTER VI**

**REPORTING**

**Article 13**

(1) IP-B2 and IT-B2 are required to submit the B2 import realization report to:
   a. Director General of Foreign Trade;
   b. Director general of Agrochemical Industry of the Ministry of Industry; and

(2) The submission of report, as meant in paragraph (1), is implemented within not later than 15 (fifteen) calendar days effective as of the B2 arrival date at the port of unloading by using the IP-B2 and IT-B2 import realization report form, according to the sample in Appendix VIII of this Regulation of the Minister.

(3) IP-B2 is required to submit the B2 use realization report to the Director General of Agrochemical Industry of the Ministry of Industry, with copies to:
   a. Director General of Domestic Trade (PDN); and

(4) IT-B2 is required to submit the B2 distribution realization report to DT-B2, PT-B2 and/or PA-B2 to the Director General of PDN with copies to:
   a. Director General of Foreign Trade;
   b. Director General of Agrochemical Industry of the Ministry of Industry; and
   c. Deputy of Drugs and Food Security Control Sector of the Drugs and Food Control Agency.

(5) If the IT-B2, as meant in paragraph (1), has a branch office that distributes B2 of the company head office, then the submitted report should include the distribution made by the branch office.

(6) The submission of report, as meant in paragraph (4), is carried out within every 3 (three) months, effective as of the issuance date of appointment as IT-B2 by using the ex-import B2 distribution realization report form, according to the sample in Appendix VIII of this Regulation of the Minister.

(7) In case the import of B2 has not been implemented yet and the ex-import B2 distribution has not been implemented yet, as meant in paragraph (1) and paragraph (4), then the IT-B2 is still required to submit the report in form of zero report.

Article 14

(1) DT-B2 is required to submit the report to the Director General of PDN concerning the procurement of B2 from P-B2 and/or IT-B2 as well as its distribution by using the sample as contained in Appendix IX of this Regulation of the Minister with copies to:
   a. Deputy of Food and Hazardous Materials Security Control Sector of the Drugs and Food Control Agency;
   b. Director General of Agrochemical Industry of the Ministry of Industry; and
   c. Head of the Provincial Government Service at the domicile of company and distribution area of B2.

(2) If the DT-B2, as meant in paragraph (2), has a branch office that distributes B2 of the company head office, then the report that is submitted, including the distribution, is carried out by the branch office.

(3) PT-B2 is required to submit the report concerning the data of the distributed B2 to the Head of the local Provincial Government Service by using the sample of report as contained in Appendix X of this Regulation of the Minister with copies to:
   a. Director General of PDN;
   b. Deputy of the Food and Hazardous Materials Security Control Sector of the Drugs and Food Control Agency;
   c. Director General of Agrochemical Industry of the Ministry of Industry; and
   d. Head of Regency/City Government Service at the domicile of the company.

(4) The Head of the Provincial Government Service submits the recapitulation of report, as meant in paragraph (3), to the Director General of PDN.

(5) PA-B2 is required to submit the report concerning the data on the procurement of B2 to Head of
the Regency/City Government Service by using the sample of report as contained in Appendix XI of this Regulation of the Minister with copies to:

a. Director General of PDN;
b. Deputy of the Food and Hazardous Materials Security Control Sector of the Drugs and Food Control Agency;
c. Director General of Agrochemical Industry of the Ministry of Industry; and
d. Head of the local Provincial Government Service.

(6) The Head of the Provincial Government Service submits the recapitulation of the report, as meant in paragraph (4) to the Director General of PDN.

(7) The submission of report, as meant in paragraph (1), paragraph (3) and paragraph (5) and in Article 13 paragraph (6), is carried out every quarter of the running calendar year, so read as follows:

– Quarter I is submitted on 31 March.
– Quarter II is submitted on 30 June.
– Quarter III is submitted on 30 September
– Quarter IV is submitted on 31 December

(8) The obligation to report for PA-B2, as meant in paragraph (5) is accepted for the industrial company as IP-B2 that uses B2 as the standard/supporting material for its industrial activities.

Article 15

The B2 distribution report as meant in Article 14 for:

a. **DT-B2 contains at least:**
   1) Name and address of PT-B2 and/or PA-B2
   2) Type of CAS B2 number;
   3) Weight or net volume of B2;
   4) Initial stock and final stock;
   5) Time of B2 sales (date, month, year); and
   6) Name and address of P-B2 and IT-B2 that distribute B2.

b. **PT-B2 contains at least:**
   1) Name and address of PT-B2
   2) Type of CAS B2 number;
   3) Weight and net volume of B2
   4) Time of B2 sales (date, month, year); and

c. **PA-B2 contains at least:**
   1) Type and weight or net volume of B2 that is purchased and the allocation;
   2) Initial stock and final stock;
   3) Time of B2 purchase (date, month, year); and

Article 16

(1) In case the DT-B2, PT-B2, and PA-B2 cease their business activities, then they should report their B2 stock position to:
a. Directorate General of PDN for DT-B2
b. Governor, in this case Head of Provincial Government Service for PT-B2 and PA-B2 that are domiciled in the local Province.

(2) The report, as meant in paragraph (1) is submitted within not later than 5 (five) working days as of the date of ceasing the business activities, which is proven by the Business Activity Cessation Statement from the concerned.

(3) In case there is still a stock of B2 of the company, as meant in paragraph (1), then such stock should be returned to:
   b. DT-B2 for B2 originating from PT-B2 and/or from the concerned PA-B2; and

CHAPTER VII
PROHIBITION

Article 17

(1) IP-B2 is prohibited to:
   a. Sell/purchase and/or transfer B2 to other parties;
   b. Import goods/materials, which types and/or amounts are not in accordance with what are contained in the recognition as IP-B2; and
   c. Import goods/materials as contained in the recognition as IP-B2, which validity term has expired.

(2) IT-B2 is prohibited to:
   a. Import goods/materials, which types and/or amounts are not in accordance with what are contained in the determination as IT-B2;
   b. Import goods/materials, as contained in the determination as IT-B2, which validity term has expired; and
   c. Use B2 that is imported not in accordance with its allocation as contained in the determination as IT-B2.

Article 18

Each individual or business company, which has no recognition as IP-B2, determination as IT-B2 or SIUP-B2, is prohibited to:
   a. Distribute/circulate or sell B2, and/or
   b. Repack B2 from its original packing.

CHAPTER VIII
GUIDANCE AND CONTROL

Article 19


Article 20

(1) The control on the distribution, packing, and labeling of B2 covers the aspects of company licensing/legality, B2 distribution (types, realization of distribution, and B2 stock), distribution means for fluency of the B2 distribution implementation, equipments of the Emergency

(2) The control, as meant in paragraph (1), toward PA-B2 covers the aspect of B2 utilization/use in accordance with its allocation.

**Article 21**

(1) The control as meant in Article 20 may be carried out individually or jointly by the Employee/Official of the Directorate General of Domestic Trade, Employee/Official of the Provincial Government Service or Regency/City Government Service and/or jointly with the related Technical Government Agency.

(2) The implementation of control conducted by the Employee/Official, as meant in paragraph (1), should be equipped with the assignment letter issued by the authorized Official for a certain time.

(3) The authorized official, as meant in paragraph (2) is the:

   a. Director General of PDN for the Employee/Official of the Directorate General of Domestic Trade (PDN);
   b. Governor, in this case the Head of the Provincial Government Service for the Employee/Official of the Provincial Government Service;
   c. The Head of the local Regency /Mayor, in this case the Head of the Regency/City Government Service for the Employee/Official of the Regency/City Government Service;

(4) The IP-B2, IT-B2, P-B2, DT-B2, PT-B2, and PA-B2 are required to provide the widest access concerning the correctness of the B2 distribution to the Official/Employee who conducts the control as meant in paragraph (1).

**Article 22**

(1) The Employee/Official, as meant in Article 21 paragraph (2) submits the results of control to the Official who provides the assignment.

(2) If the initial evidence is found in the control on the assumption of crime, then the Official/Employee, as meant in paragraph (1), immediately submits such finding to the investigator of the Indonesian Police completed with the cover letter from the Official who provides the assignment.

**CHAPTER IX**

**ACTION**

**Article 23**

(1) The IP-B2 that violates the provisions of Article 3 paragraph (4), Article 6, Article 7 paragraph (2) letter a, Article 13 paragraph (1) and paragraph (3), Article 17 paragraph (1), is imposed the
administrative sanction in form of revocation of the recognition as IP-B2.

(2) The IT-B2 that violates the provisions of Article 6, Article 7 paragraph (2) letter b, Article 8, Article 9 paragraph (1) and paragraph (2), Article 12 paragraph (4), Article 17 paragraph (2), is imposed the administrative sanction of revocation of the determination as IT-B2.

(3) The DT-B2 that violates the provisions of Article 7 paragraph (2) letter d, Article 8, Article 9 paragraph (1) and paragraph (2), Article 12 paragraph (2) and paragraph (4), Article 14 paragraph (1), and Article 16 paragraph (1), is imposed the administrative sanction of the SIUP-B2 revocation.

(4) The PT-B2, which violates the provisions of Article 7 paragraph (2) letter e, Article 14 paragraph (3) and Article 16 paragraph (1), is imposed the administrative sanction in form of the SIUP-B2 revocation.

(5) The P-B2, which violates the provisions Article 7 paragraph (2) letter c and Article 8, Article 9 paragraph (1) and paragraph (2), is imposed the sanction of technical licensing revocation by the authorized official.

(6) The PA-B2, which violates the provisions of Article 14 paragraph (5) and Article 16 paragraph (1), is imposed the sanction of technical licensing revocation by the authorized official.

(7) In case the P-B2 and PA-B2 are imposed the administrative sanctions, as meant in paragraph (5) and paragraph (6), then the Minister or the appointed official submits the recommendation for the revocation of the technical licensing to the related government agency/authorized official.

Article 24

(1) The administrative sanctions, as meant in Article 23 paragraph (3) and paragraph (4), is conducted after providing 3 (three) written warnings with the grace period of 1 (one) month.

(2) The formats of the written warning and revocation of SIUP-B2 are as contained in Appendix XII and Appendix XIII of this Regulation of the Minister.

Article 25

(1) The IP-B2 that violates the provisions of Article 6, Article 8 and Article 17 paragraph (1) letter b and letter c, is imposed the sanction as regulated in the provisions of the legislative regulations.

(2) The IT-B2 that violates the provisions of Article 6, Article 8 and Article 17 paragraph (2) letter a and letter b, is imposed the sanction as regulated in the provisions of the legislative regulations.

(3) The DT-B2 that violates the provisions of Article 8, Article 17 paragraph (1) and paragraph (3), is imposed the sanction as regulated in the provisions of the legislative regulations.

(4) The Company Branch office that violates the provisions of Article 12 paragraph (2), is imposed the sanction as regulated in the provisions of the legislative regulations.

Article 26
Each individual or business company that violates the provisions as meant in Article is imposed the sanction as regulated in the provisions of the legislative regulations.

**Article 27**

(1) The B2 types that do not comply with the provisions, as meant in Article 2 paragraph (4), should be withdrawn from its circulation.

(2) The withdrawal of B2 from its circulation, as meant in paragraph (1), is instructed by the authorized official and the withdrawal is implemented by the concerned company.

(3) The costs for withdrawal of B2, as meant in paragraph (2), are charged to the concerned company.

**CHAPTER X**

**TRANSITIONAL PROVISIONS**

**Article 28**

The recognition as IP-B2, appointment as IT-B2, Import Approval of B2, SIUP-B2 for DT-B2 and SIUP-B2 for PT-B2, which were issued prior to this Regulation of the Minister, are declared as still applicable until expiry of their validity terms.

**CHAPTER XI**

**OTHER PROVISIONS**

**Article 29**

The implementation provisions and other technical matters that are not regulated in this regulation, are further regulated by the:

a. Director General of PDN with regard to the domestic B2 distribution; and

b. Director General of Foreign Trade with regard to the import of B2.

**CHAPTER XII**

**CLOSING PROVISIONS**

**Article 30**

At the time this Regulation of the Minister commences effective:

a. The Regulation of the Minister of Trade of the Republic of Indonesia Number: 04/M-DAG/PER/2/2006 concerning Distribution and Control of Hazardous Materials as amended several times lastly by the Regulation of the Minister of Trade of the Republic of Indonesia Number 08/M-DAG/PER/3/2006; and


**Article 31**

This Regulation of the Minister shall apply within 60 (sixty) from the date of its enactment.
For public cognizance, it is ordered to promulgate this Regulation of the Minister by publish in the Official-Gazette of the Republic of Indonesia.

Stipulated: in Jakarta
Date: September 15, 2009

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,
signed
MARI ELKA PANGESTU

Copy in conformity with the
original
Secretariat General of the
Ministry of Trade of the Republic of Indonesia
Head of Legal Bureau,
signed
WIDODO